

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Stanley R. Chesler
v. : Crim. No. 11-208 (SRC)
SIXING LIU : ORDER

This matter having come before the Court on motions filed by defendant Sixing Liu (James D. Tunick, Esq., appearing) for various relief (Docket Entries 41, 42, 43, 49, 50, 51, 52, 54, 55 and 56); and the United States of America (Paul J. Fishman, United States Attorney, by L. Judson Welle and Gurbir S. Grewal, Assistant United States Attorneys, appearing) having opposed the motions; and the Court having considered the papers filed by the parties and having heard the arguments of counsel; and for the reasons expressed by the Court on the record on December 7, 2011,

IT IS, therefore, on this 14th day of December, 2011,

ORDERED that Defendant's Motion to Dismiss Counts 1-8 of the Indictment for Failure to State an Offense (Docket Entry 41) is hereby **DENIED**; and it is further

ORDERED that Defendant's Motion to Dismiss Counts 10(d), 11(b) and 11(c) of the Superseding Indictment Based on a Failure to State an Offense (Docket Entry 42) is hereby **GRANTED IN PART** in that paragraph 3(d) of Count Ten and paragraphs 3(b)

and 3(c) of Count Eleven of the Superseding Indictment are hereby stricken; and it is further

ORDERED that Defendant's Motion for an Evidentiary Hearing Regarding DDTC's Certification that Certain Technical Data is a Defense Article of a Nature Prohibited by the USML (Docket Entry 43) is hereby **DENIED**; and it is further

ORDERED that Defendant's Motion for Production of 404(b) Material (Docket Entry 49) is hereby **DENIED AS MOOT**; and it is further

ORDERED that Defendant's Motion for Immediate Disclosure of Favorable Evidence Related to L-3 Communications Witnesses (Docket Entry 50) is hereby **DENIED**; and it is further

ORDERED that the Court's ruling on Defendant's Motion to Strike as Surplusage Paragraph 27 of the Superseding Indictment (Docket Entry 51) is hereby **RESERVED**; and it is further

ORDERED that Defendant's Motion to Preserve Law Enforcement Agent's Notes and Logs (Docket Entry 52) is hereby **DENIED AS MOOT**; and it is further

ORDERED that Defendant's Second Motion to Dismiss Counts 1-8 of the Indictment for Failure to State an Offense (Docket Entry 54) is hereby **DENIED**; and it is further

ORDERED that Defendant's Motion and Memorandum of Law to Dismiss Counts 1-8 of the Superseding Indictment as Unconstitutionally Vague (Docket Entry 55) is hereby **DENIED WITHOUT PREJUDICE**;

ORDERED that Defendant's Motion for a Bill of Particulars with Respect to Count Nine of the Superseding Indictment (Docket Entry 56) is hereby **DENIED AS MOOT**; and it is further

ORDERED that the government will provide notice under Rule 404(b) as directed by the Court on the record 30 days before commencement of the trial of this case; and it is further

ORDERED that the government will provide all Jencks and Giglio material ten days before the commencement of the trial of this case; and it is further

ORDERED that the parties are granted leave to file additional motions prior to the trial of this matter.



HON. STANLEY R. CHESLER
United States District Judge